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7 ANIBAL RODRIGUEZ, et al.,
8 Plaintiffs,
9 v.
10 GOOGLE LLC,
11 Defendant.

Case No. [20-cv-04688-RS](#) (AGT)

ORDER RE: DISCOVERY DISPUTES

Dkt. Nos. 74, 75

12 Plaintiffs have moved to compel Google to produce documents responsive to three
13 requests for production. The requests are considered below.

14 * * *

15 RFP No. 1: All Documents Google has provided to any Regulator
16 since January 1, 2014, concerning Firebase and its collection,
interception, tracking, or use of user data, including through or with
Google Analytics.

17 The Court agrees with Google that the scope of RFP No. 1 is not proportional to the needs
18 of the case. Google estimates that during the targeted seven-year period, it has been subject to
19 approximately one hundred regulatory investigations, taking place around the world. That's a
20 significant number of investigations Google would need to review to respond to RFP No. 1. Plus,
21 it seems probable that Google would be looking for a needle in a haystack, for the company notes
22 that no regulatory investigation during the targeted period has focused specifically on Firebase and
23 user data. Given the large number of documents Google would need to review, and the
24 comparatively small number of relevant documents likely to be found, the Court finds that the
25 burdens of RFP No. 1 outweigh the benefits. Google need not produce documents responsive to
26 this request.

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1 RFP No. 2: All written requests Google has received from any
2 Regulator since January 1, 2014, concerning Google’s privacy
practices or Firebase.

3 Having read the complaint, the Court agrees with Google that “[t]his is a case about a
4 particular Google practice, not *any* Google privacy practice.” Letter Brief, ECF No. 74 at 5.
5 RFP No. 2 is not tailored to the particular privacy practice at issue; the request uses the disjunctive
6 word “or,” seeking documents “concerning Google’s privacy practices *or* Firebase.” (emphasis
7 added). The request is overbroad, and Google doesn’t need to produce documents responsive to it.

8 RFP No. 3: Unredacted copies of the filings (including exhibits and
9 attachments) and all discovery from *Arizona v. Google LLC*, No. CV
2020-006219 (Ariz. Superior Ct. 2020).

10 The Court agrees with Google that RFP No. 3 is also overbroad. The Arizona action and
11 plaintiffs’ case have some overlap. They both concern Google’s privacy practices. But Google
12 represents (and plaintiffs do not dispute) that many of the Google settings and features at issue in
13 the Arizona case are not at issue here. That means that if Google was required to provide plaintiffs
14 with copies of all discovery from the Arizona action, as requested, Google’s production would
15 include documents irrelevant to plaintiffs’ case. Plaintiffs don’t have a right to those irrelevant
16 documents. *See Fed. R. Civ. P. 26(b)(1)* (limiting the scope of discovery to matters “relevant to any
17 party’s claim or defense”).

18 Google does admit that its Web & App Activity feature is at issue in both cases and that it
19 has produced WAA-related documents in the Arizona case. Google contends that those documents
20 are not relevant here, however, because “[t]he allegations about WAA in the Arizona case relate to
21 what is stored in WAA when the setting is *on*, while the allegations in this case are about the data
22 third-party apps collect and send to Google for analysis when WAA is *off*.” Letter Brief, ECF No.
23 75 at 4–5. The Court doesn’t find this distinction particularly persuasive and agrees with plaintiffs
24 that “documents describing what happens when WAA is turned on may bear on what happens (or
25 does not happen) when WAA is turned off.” *Id.* at 3. Because WAA is at issue in both cases, the
26 Court orders Google to produce unredacted copies of discovery from the Arizona action relating to

1 WAA.¹

2 **IT IS SO ORDERED.**

3 Dated: February 8, 2021

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ALEX G. TSE
United States Magistrate Judge

United States District Court
Northern District of California

¹ Narrowed in this way, the production will not be “*a carte blanche* production of all documents” that were produced in the Arizona case. *Chen v. Ampco Sys. Parking*, No. 08-CV-0422-BEN (JMA), 2009 WL 2496729, at *2 (S.D. Cal. Aug. 14, 2009).